

1 I, Matthew D. Vespa, declare as follows:

2 1. The facts set forth in this declaration are based on my personal knowledge. If called
3 as a witness in these proceedings, I could and would testify competently to these facts.

4 2. I am a staff attorney at the Center for Biological Diversity in its Climate, Air, and
5 Energy Program ("Climate Program"). I have also been a staff attorney for the Center for
6 Biological Diversity ("Center") since July, 2007. I am familiar with the history, structure and
7 activities of the Center.

8 3. The Center is a 501(c)(3) non-profit corporation with over 40,000 members. More of
9 our members are in California than in any other state. The largest concentration of our members in
10 California is in the Bay Area.

11 4. The Center was incorporated as a New Mexico corporation in 1993. In 1995 the
12 Center moved its main office to Tucson, Arizona. In 1998 the Center opened an office in Berkeley,
13 California. The Center has had a Bay Area office continuously since that time. Our Bay Area
14 office is currently in San Francisco and, after Tucson, is our largest office.

15 5. The Center currently has 60 full-time employees. The Climate Program has five
16 positions. The majority of positions in the Climate Program, including my own position, are in our
17 San Francisco office.

18 6. The San Francisco office serves as the hub for all of the Center's climate-related
19 activities with most court filings, and comment submittals handled out of this office. A primary
20 focus of the Climate Program is to curb global warming pollution. Because the current litigation
21 involves the potential expansion of a coal-fired power plant, it falls squarely within the scope of the
22 Center's climate-related work. I am serving as co-counsel in this case.

23 7. While the Center's efforts to protect biodiversity from the impacts of global warming
24 are national in scope, all of these activities are based out of California, either directly or indirectly
25 through our San Francisco office. A factor in our decision to litigate and serve as co-counsel in this
26 case was the fact that venue for such a case is appropriate in the Northern District of California,
27 making attending court hearings, meeting with our co-plaintiffs, and carrying out other activities
28

1 associated with the case logistically relatively easy and convenient, not just for our attorneys but
2 also for our staff and members. Transferring venue to either Kentucky or the District of Columbia
3 would render such efforts more difficult, making it less likely that Center members and staff,
4 including myself, could actively participate in the process.

5
6 I declare under penalty of perjury that the foregoing is true and correct to the best of my
7 knowledge, information, and belief.

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9 Executed at San Francisco, California on June 5, 2007.

10 /s/ Matthew D. Vespa

11 Matthew D. Vespa

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13 I, Marianne Dugan, pursuant to ECF General Order 45X.B, attest that Matthew D. Vespa has
14 concurred in and authorized the filing of this declaration with this court.

15 /s/ Marianne Dugan

16 Marianne Dugan

17 Attorney for Plaintiffs